

REMARKS

In a Notice of Non-Compliant Amendment, the Examiner informed the Applicants that the amendment document filed on June 30, 2004 was considered non-compliant because it did not include a complete listing of all of the claims. The notice indicated that the amendment failed to meet the requirements of 37 C.F.R. 1.121.

Applicants respectfully submit that the requirements of 37 C.F.R. 1.121 do not apply to reissue applications. The text of the rule indicates that it applies to "Amendments in applications other than reissue applications." 37 C.F.R. 1.173, however, details the method by which amendments are made in a reissue application and does not require a complete listing of the claims. Although Applicants do not believe such a listing is required by the rules, in an effort to comply with the Notice and to advance prosecution, a replacement section entitled "Amendments to the Claims" including a complete listing of the claims is submitted herewith.

After entry of the present amendments, Claims 1-47 will be pending in the application. In compliance with 37 C.F.R. 1.173(b)(2) (not 37 C.F.R. 1.121(c)), Applicants have indicated by parenthetical expression that claims 1 and 41 have been amended. Claim 1 has been amended to correct typographical errors. Claim 41 has been amended to remove the limitation that the delipidated fraction contains apolipoproteins. Support for this amendment can be found at in the specification at col. 4, lines 15-26. No new matter has been added.

CONCLUSION

In light of the replacement amendment and the above remarks, Applicants are of the opinion that the Office Action has been completely responded to and that the application is now in condition for allowance. Such action is respectfully requested.

If the Examiner believes any informalities remain in the application that may be corrected by Examiner's Amendment, or there are any other issues that can be resolved by telephone interview a telephone call to the undersigned attorney at (404) 815-6409 is respectfully solicited.

Respectfully submitted,



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